HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK, CJ

WRIT PETITION NO. 5993 OF 2005

PETITIONER — Aadi Shakti Swayatt Co-operative Primary Sub Bhandar, Sirsakhurd, Block – Durg, Distt. Durg, through – President – Smt. Sunita Devi w/o Late Shri Kedar Prasad aged 35 years, R/o village Sirsakhurd, Durg (C.G.).

Versus

RESPONDENTS

1. State of C.G.
   Through – Secretary, Food & Civil Supplies Department, D.K.S. Bhawan, Raipur (C.G.)
2. Collector (Food), Distt. Durg (C.G.)
3. Asstt. Food Officer,
   Food Office, Collectorate Durg (C.G.)
4. Sub Divisional Officer (Revenue)
   Durg (C.G.)

Present:

Mr. T.K. Tiwari, learned counsel for the petitioner.
Mr. Yashwant Singh, learned Govt. Advocate for the State.

ORDER

(Passed on 29th November 2005)

The impugned action could not be sustained on a short ground of violation of principles of natural justice and fairness in action. A fair price shop was allotted to the petitioner by the third respondent vide order

passed in the month of September 2004 and since then he has been running the fair price shop. When the matter stood thus, the authorization to run fair price shop has been cancelled by the respondent No. 4 vide his order dated 14-11-2005 without notice to the petitioner. Of course, the impugned order would disclose that in pursuance of a policy decision taken by the State Government not to allow more than one fair price shop to an individual, the order seems to have been passed. But it is the definite case of the petitioner that he is not having more than one authorization to run fair price shop. Be that as it may, since it is the cardinal principles flowing from Article 14 of the Constitution of India, the affected should be appraised, fairness in action required the fourth respondent to issue a notice to the petitioner in the first instance and then to take appropriate action in terms of the policy evolved by the State Government. That has not been done in this case. On that short ground, the writ petition is allowed. The impugned order is quashed, however, with no costs. However, this order shall not come in the way of the fourth respondent or any other appropriate respondents-authorities from taking steps to cancel the authorization granted to the petitioner, in accordance with law, if there is any warrant to do so.

Sd/-
Chief Justice

Brajesh